

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRANDY OSTERHOUT,

Plaintiff

Case No. 2:24-cv-01729-GMN-MDC

ORDER

v.

MEDICAL STAFF AT FMWCC, et al.,

Defendants

I. DISCUSSION

On September 23, 2024, the Court gave Plaintiff until November 20, 2024, to file a fully complete application to proceed *in forma pauperis* or pay the \$405 filing fee. (ECF No. 3). Plaintiff has filed a financial certificate and a copy of her prison trust fund account statement for the previous six-month period, but she has not filed an actual application to proceed *in forma pauperis*. (ECF No. 4).

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.

1 See 28 U.S.C. § 1915(b). The Court will grant Plaintiff one final extension of time until
2 **January 6, 2025**, to either pay the filing fee or file a complete application to proceed *in*
3 *forma pauperis*.

4 **II. CONCLUSION**

5 For the foregoing reasons, it is ordered that the Clerk of the Court will send Plaintiff
6 the approved form application to proceed *in forma pauperis* by an inmate, as well as the
7 document entitled information and instructions for filing an *in forma pauperis* application.

8 It is further ordered that Plaintiff has **until January 6, 2025**, to either pay the full
9 \$405 filing fee or file a complete application to proceed *in forma pauperis*.

10 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
11 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
12 to refile the case with the Court, under a new case number, when Plaintiff can file a
13 complete application to proceed *in forma pauperis* or pay the required filing fee.

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15 DATED THIS 4th day of December 2024.

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18 _____
19 Hon. Maximiliano O. Couvillier III
20 UNITED STATES MAGISTRATE JUDGE
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